

NO. 3:06-CV-432-W

ORDER

The district court conducts a *de novo* review of those portions of a magistrate judge’s M&R to which specific objections are filed. 28 U.S.C. § 636(b). “[I]n the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005). Upon careful review of the record, “the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(c).

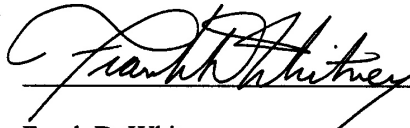
After a careful review of the record, the Court finds that the magistrate judge's findings and recommendations are neither clearly erroneous nor inconsistent with governing law. Thus, the Court hereby accepts the M&R of Magistrate Judge Horn and adopts it as the final decision of this Court for all purposes relating to this case.

Furthermore, each of the three Defendants has pleaded as an affirmative defense that injunctive relief is not an available remedy under the Fair Credit Reporting Act or that Plaintiff's complaint otherwise fails to state a claim upon which relief can be granted. Although Trans Union was the only Defendant formally to move to dismiss Plaintiff's claim for injunctive relief, the Court perceives no just reason why the decision adopted today should not be extended to the similarly situated Defendants.

It is now, therefore, ORDERED that Defendant's partial motion to dismiss (Doc. No. 11) is GRANTED, and that Plaintiff's third cause of action is DISMISSED as to all Defendants.

IT IS SO ORDERED.

Signed: December 20, 2006



Frank D. Whitney
United States District Judge

